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12 United States of America

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14 IN THE UNITED STATES DISTRICT COURT  
15 EASTERN DISTRICT OF CALIFORNIA

16  
17 UNITED STATES OF AMERICA, Plaintiff,  
18 v.  
19 JUAN PICASO, Defendant.

20 CASE NO. 2:22-CR-00162-JAM  
21 STIPULATION REGARDING EXCLUDABLE  
22 TIME PERIODS UNDER SPEEDY TRIAL ACT;  
23 FINDINGS AND ORDER  
24 DATE: November 8, 2022  
25 TIME: 9:00 a.m.  
26 COURT: Hon. John A. Mendez

27  
28 **STIPULATION**

29 Plaintiff United States of America, by and through its counsel of record, and defendant, by and  
30 through defendant's counsel of record, hereby stipulate as follows:

31 1. By previous order, this matter was set for status on November 8, 2022.  
32 2. By this stipulation, defendant now moves to continue the status conference until January  
33 24, 2023, at 9:00 a.m., and to exclude time between November 8, 2022, and January 24, 2023, under  
34 Local Code T4.

35 3. The parties agree and stipulate, and request that the Court find the following:

36 a) The government has represented that the discovery associated with this case  
37 includes multiple reports, dozens of Spanish recordings, and photographs. The government  
38 produced initial discovery on September 30, 2022, and after obtaining a protective order,  
39 produced the Spanish recordings on October 19, 2022.

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2           b)    Counsel for defendant desires additional time to review the new discovery, meet  
3           with his client, conduct independent factual investigation, and otherwise prepare for trial.

4           c)    Counsel for defendant believes that failure to grant the above-requested  
5           continuance would deny him the reasonable time necessary for effective preparation, taking into  
6           account the exercise of due diligence.

7           d)    The government does not object to the continuance.

8           e)    Based on the above-stated findings, the ends of justice served by continuing the  
9           case as requested outweigh the interest of the public and the defendant in a trial within the  
10           original date prescribed by the Speedy Trial Act.

11           f)    For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12           et seq., within which trial must commence, the time period of November 8, 2022 to January 24,  
13           2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code  
14           T4] because it results from a continuance granted by the Court at defendant's request on the basis  
15           of the Court's finding that the ends of justice served by taking such action outweigh the best  
16           interest of the public and the defendant in a speedy trial.

17          4.    Nothing in this stipulation and order shall preclude a finding that other provisions of the  
18           Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial  
19           must commence.

20          IT IS SO STIPULATED.

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22          Dated: November 2, 2022

PHILLIP A. TALBERT  
United States Attorney

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25          /s/ CAMERON L. DESMOND  
26          CAMERON L. DESMOND  
27          Assistant United States Attorney

1 Dated: November 2, 2022

2 /s/ Timote Tuitavuki  
3 Timote Tuitavuki  
4 Counsel for Defendant  
5 JUAN PICASO

6 **FINDINGS AND ORDER**

7 IT IS SO FOUND AND ORDERED this 2<sup>nd</sup> day of November, 2022.

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9  
10 /s/ John A. Mendez  
11 THE HONORABLE JOHN A. MENDEZ  
12 SENIOR UNITED STATES DISTRICT JUDGE